

(2) Evidence of compliance with the requirements set forth in Title 10, Code of Federal Regulations.

**§29.12 Delivery of analyzers and detectors by applicant; requirements.**

(a) Each applicant shall, when an application is filed pursuant to §29.10 deliver at his own expense, four assembled analyzers or detectors, less the radioactive source, to Approval and Certification Center, Box 201 B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059. The radioactive source shall be delivered and inserted in the instrument by the applicant following testing of the electrical components of such instrument.

(b) Analyzers, detectors, and component parts submitted for approval must be made from materials specified in the application.

(c) One completely assembled analyzer or detector approved under the provisions of this part may be retained by MSHA as a laboratory exhibit; the remaining instruments will be returned to the applicant at his own expense, upon written request within 30 days after notice of approval. If no such request is made, the instruments will be disposed of by MSHA in such manner as it deems appropriate.

(d) Where an analyzer or detector fails to meet the requirements for approval set forth in this part, all instruments and components delivered intact in accordance with this section will be returned to the applicant at his own expense, upon written request within 30 days after notice of disapproval. If no such request is made, the instruments will be disposed of by MSHA in such manner as it deems appropriate.

[37 FR 7565, Apr. 15, 1972, as amended at 43 FR 12316, Mar. 24, 1978]

**Subpart C [Reserved]**

**Subpart D—Approval and Disapproval**

**§29.30 Certificates of approval; scope of approval.**

(a) MSHA shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely assembled portable coal dust/

rock dust analyzers and continuous duty, warning light, portable methane detectors which have been examined, inspected, and tested, and which meet the minimum requirements set forth in Subparts G and H, as applicable.

(b) MSHA shall not issue an informal notice of approval. However, if the application for approval, submitted in accordance with §29.11, states that the submitted analyzer, detector, and component parts are only prototypes, MSHA will examine, inspect, and test such prototype analyzer, detector, and component parts in accordance with the provisions of this Part 29. If, upon completion of such examinations, inspections and tests, it is found that the prototype meets the minimum requirements set forth in this part, MSHA may inform the applicant, in writing, of the results of the examinations, inspections, and tests, and may require him to resubmit analyzers, detectors, and component parts, as applicable, made on regular production tooling, with no operations included which will not be incorporated in regular production processing, for further examination, inspection, and testing, prior to issuance of the certificate of approval.

(c) Applicants required to resubmit analyzers, detectors, and component parts made on regular production tooling, with no operation included which will not be incorporated in regular production processing, shall be charged fees.

[37 FR 7565, Apr. 15, 1972, as amended at 52 FR 17515, May 8, 1987]

**§29.31 Certificates of approval; contents.**

(a) The certificate of approval shall contain a description of the analyzer or detector for which it is issued as provided in this part.

(b) The certificate of approval shall specifically set forth any restrictions or limitations, if any, on use of the instrument.

(c) Each certificate of approval shall be accompanied by the drawings and specifications (and lists thereof) submitted by the applicant in accordance with §29.11. These drawings and specifications shall be incorporated by reference in the certificate of approval